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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/595,374	04/13/2006	Michael Summerlin	ICD0101PUSA	8403
22045 7590 02/01/2008 BROOKS KUSHMAN P.C. 1000 TOWN CENTER TWENTY-SECOND FLOOR SOUTHFIELD, MI 48075			EXAMINER SAHLE, MAHIDERE S	
			ART UNIT 2873	PAPER NUMBER
			MAIL DATE 02/01/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/595,374

Applicant(s)

SUMMERLIN, MICHAEL

Examiner

Mahidere S. Sahle

Art Unit

2873

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 05/31/06
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☒ Other: Detailed Action.

DETAILED ACTION

Claims 1-16 are pending in this application.

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

Acknowledgement is made of receipt of Information Disclosure Statement(s) (PTO-1449) filed 05/31/06. An initialed copy is attached to this Office Action.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lavery (WO 02/086589).

Regarding claim 1, Lavery discloses a lenticular display assembly (1) (see figure 1, pg. 5), comprising: an image panel (20) having a composite image (see figures 1, 4, pg. 6); a lenticular lens panel (21) adapted to display a lenticular image from a composite image (see figures 1, 4, pgs. 5-6); connection means (9) provided to releasably connect the image panel (20) to the lenticular lens panel (21) such that the image panel (20) and the lenticular lens panel (21) are in an aligned relationship (pgs. 6-7); and compression means (6) provided to press the image panel (20) and the lenticular lens panel (21) against one another (see figure 4, pgs. 5-6); whereby the lenticular image is displayed by the lenticular lens panel (21) and the image panel (20) being interconnected by the connection means (9) and the compression means (6) (see figure 4, pg. 6). Lavery discloses the claimed invention except for an image panel having connection holes, a lenticular lens panel having connection holes, and connect the image panel to the lenticular lens panel by cooperating with the connection holes of the image panel and the lenticular lens panel such that the image panel and the lenticular lens panel are in an aligned relationship. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the lenticular display device of Lavery, since it has been held that omission of an element and its function in a combination where the remaining elements perform the same functions as before involves only routine skill in the art. In re Karison, 136.USPQ 184. Whether the lenticular lens panel or image panel had connection holes, did not take away from the fact that the claimed device and the device provided by Lavery both produce a lenticular image. Therefore, it would have been obvious to one of ordinary

skill in the art at the time the invention was made to provide the lenticular display device of Lavery with an image panel having connection holes, a lenticular lens panel having connection holes, and connect the image panel to the lenticular lens panel by cooperating with the connection holes of the image panel and the lenticular lens panel such that the image panel and the lenticular lens panel are in an aligned relationship for the purpose of making lenticular technology more affordable for users of lenticular images and providing a reusable lens thus reducing the cost of production for lenticular images (pg. 14 of Lavery reference).

Regarding claim 2, Lavery discloses wherein the compression means (6) cooperates with any one of the image panel (20), the lenticular lens panel (21) and the connection means (9) to curve the image panel (20) and the lenticular lens panel (21) connected to one another by the connection means (9), such that the image panel (20) and the lenticular lens panel (21) are pressed against one another (see figures 1, 4, pgs. 5-6).

Regarding claim 3, Lavery discloses wherein the compression means (6) has a backplate (2) sandwiching the image panel (20) between the backplate (2) and the lenticular lens panel (21) (see figure 4, pg. 6), and a tension member (11) interconnecting the connection means (9) at opposed ends of the panels such that a curve is produced in the panels and in the backplate (2) (see figures 1, 4, pgs. 5-7).

Regarding claim 4, Lavery discloses wherein the connection means (9) are fasteners (30) received in holes (40) in the panels (see figure 4).

Regarding claim 5, Lavery discloses further comprising a light source behind the image panel so as to illuminate the lenticular image (pg. 13).

Regarding claim 6, Lavery discloses wherein the tension member is at least one bar (9) having connection holes at opposed ends thereof for being connected to the connection means, a distance between the connection holes being smaller than a distance between the fasteners at opposed ends of the panels (see figure 4).

Regarding claim 7, Lavery discloses a method for displaying a lenticular image, comprising the steps of: i) providing a lenticular lens panel 921) and an image panel (20) (see figure 4); ii) positioning the lenticular lens panel (21) onto the image panel (20) such that the lenticular lens panel (21) is in a desired alignment relationship with respect to a composite image on the image panel (20) (pgs. 6-7); and iii) pressing the panels such that the image panel (20) is pressed against the lenticular lens panel (21) (pgs. 6-7); whereby a lenticular image is displayed by the combination of the panels (pg. 7).

Regarding claim 8, Lavery discloses wherein the step iii) is effected by bending the panels such that the panels are curved together (see figures 1-4, pg. 6).

Regarding claim 9, Lavery discloses further comprising a step of iv) emitting light from behind a rear surface of the image panel (20), so as to illuminate the lenticular image (pg. 13).

Regarding claim 10, Lavery discloses further comprising steps of iv) releasing the pressure between the panels and removing the image panel (20) from the lenticular lens panel (21), and repeating the steps i), ii) and iii) with another one of the image panels (20) (pgs. 9, 14).

Regarding claim 11, Lavery discloses wherein the step ii) is achieved by passing fasteners through prealigned connection holes in the panels (pgs. 6-7).

Regarding claim 12, Lavery discloses a method for aligning an image panel (20) with a lenticular lens panel (21), comprising the steps of: i) positioning at least one image panel (102) on a support surface (107) (see figure 19); ii) positioning a reference lens panel (100) on the at least one image panel (102), the reference lens panel (100) having a known alignment with respect to the lenticular lens panel (103) (see figure 19); iii) adjusting a position and orientation of the reference lens panel with the at least one image panel such that the reference lens panel is aligned with the at least one image panel to display a desired lenticular image (pgs. 9-10, 13); and iv) creating connection holes in the at least one image panel; whereby the image panel is aligned for the lenticular lens panel as a function of said known alignment, for a subsequent

interconnection of the image panel with the lenticular lens panel using the connection holes (pgs. 9-10, 13).

Regarding claim 13, Lavery discloses wherein the steps i) to iv) are performed with a plurality of the at least one image panel stacked onto one another (see figure 19, pgs. 9-10, 13).

Regarding claim 14, Lavery discloses further comprising a light source behind the image panel so as to illuminate the lenticular image (pg. 13).

Regarding claim 15, Lavery discloses further comprising a light source behind the image panel so as to illuminate the lenticular image (pg. 13).

Regarding claim 16, Lavery discloses further comprising a step of iv) emitting light from behind a rear surface of the image panel, so as to illuminate the lenticular image (pg. 13).

Prior Art Citations

Bal-Yona et al. (USPG Pub No. 2004/0090399), Sekiguchi et al. (USP No. 5,695,346), Cassara (USP No. 6,795,159), Fantone et al. (USP No. 5,941,382), McDonald (USP No. 5,710,666), Simon (USP No. 4,118,879) are each being cited herein to show a lenticular display that would have read on or made obvious a number of the above rejected claims, however, such rejections would have been repetitive.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mahidere S. Sahle whose telephone number is (571 270-3329. The examiner can normally be reached on Monday thru Thursday 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Mack can be reached on 571 272-2333. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MSS


DAVID SPECTOR
PRIMARY EXAMINER
1-30-2008